

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

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| DAVID ARENA, ET AL., |) | CASE NO.1:05CV2478 |
| |) | |
| Plaintiff, |) | JUDGE CHRISTOPHER A. BOYKO |
| |) | |
| Vs. |) | |
| |) | |
| CHUBB INSURANCE CO., |) | ORDER |
| |) | |
| Defendant. |) | |

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Defendant's unopposed Motion for Sanctions (ECF Dkt# 29). For the following reasons, the Court grants Defendant's Motion.

Plaintiffs' Complaint alleges breach of insurance contract and bad faith against Defendant for failing to pay on an insurance policy for loss of personal property. On June 29, 2006, Defendant moved this Court for an Order compelling Plaintiffs to produce financial information and witness information originally propounded in Defendant's First Set of Admissions, Interrogatories and Requests for Production. Defendant sought financial information of Plaintiffs in order to determine their financial condition at the time of incident in question. Such information is relevant, as it goes to the representations made by Plaintiffs of their financial condition at the time of their loss. On August 15, 2006, the Court granted

Defendant's Motion to Compel and ordered Plaintiffs to produce all relevant tax documents and account information no later than August 25, 2006, or the Court may impose sanctions, including monetary sanctions or preclusion from offering evidence on the issue at trial.

Plaintiffs were also ordered to provide contact information on John Wellington by August 25, 2006, as Plaintiffs identified Mr. Wellington as a person with knowledge of the events at issue. Again, Plaintiffs were put on notice failure to provide this information may lead to sanctions. Defendant did obtain the relevant information on John Wellington. On September 7, 2006, Defendant informed the Court it had not received all the requested documents Plaintiffs were ordered to produce. To this date, Plaintiffs have not filed an opposition or response.

Pursuant to Fed. R. Civ. P. 37, the Court grants Defendant's Motion for Sanctions. According to the affidavit filed by Defendant, the Court finds Defendant incurred expenses and fees in the amount of Five Hundred Fifty dollars in preparing the Motion to Compel, which amount Plaintiffs are Ordered to pay Defendant. The Court will permit Defendant to submit an additional affidavit, supported by itemized expense report, of the expenses and fees incurred in preparing its Motion for Sanctions. In addition, Plaintiffs are prohibited from offering evidence on their financial condition at trial.

IT IS SO ORDERED.

October 5, 2006
Date

s/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge